

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Joe E. Ramsey and John Ramsey)	File No. EB-02-DL-681
d.b.a. Ramsey & Ramsey)	NAL/Acct. No. 200332500004
Owner of an Unregistered Antenna Structure)	FRN 0008-0976-10
Idabel, Oklahoma)	

FORFEITURE ORDER

Adopted: September 13, 2004

Released: September 15, 2004

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of three dollars (\$3,000) to Joe E. Ramsey and John Ramsey d.b.a. Ramsey & Ramsey (“Ramsey”), owner of an unregistered antenna structure, Idabel, Oklahoma, for willful and repeated violation of the registration requirements of Section 17.4(a) of the Commission’s Rules (“Rules”).¹

II. BACKGROUND

2. On November 4, 2002, the Commission’s Dallas, Texas Field Office (“Dallas Office”) inspected Ramsey’s antenna structure, searched the Commission’s databases, and determined that the structure was not registered.² The Dallas Office notified Ramsey that its structure was not registered, and after Ramsey still failed to register the antenna structure, it issued Ramsey a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) on February 18, 2003.³ The *NAL* found that Ramsey willfully and repeatedly violated the registration requirements of Section 17.4(a) of the Rules and proposed a \$3,000 forfeiture.

3. In its response,⁴ Ramsey did not dispute that the *NAL*’s findings. Ramsey nevertheless sought cancellation or reduction of the proposed forfeiture based upon its good faith efforts to comply with the subject registration requirements, after the Dallas Office notified Ramsey of the lack of registration.

III. DISCUSSION

4. The forfeiture amount proposed in this case was assessed in accordance with Section

¹47 C.F.R. § 17.4(a).

²Because Ramsey’s antenna structure exceeds 200 feet and is subject to Federal Aviation Administration notification, the Rules require that the structure be registered with the Commission. See 47 C.F.R. § 17.4(a); see also 47 C.F.R. § 17.7(a).

³*Joe E. Ramsey and John Ramsey d.b.a. Ramsey & Ramsey*, NAL/Acct. No. 200332500004 (Enf. Bur., Dallas Office, released February 18, 2003).

⁴See Notice of Appeal, Petition Seeking Reduction or Cancellation of Proposed Forfeiture (filed March 11, 2003).

503(b) of the Communications Act of 1934, as amended (“Act”),⁵ Section 1.80 of the Rules,⁶ and the *Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*.⁷ In assessing forfeitures, Section 503(b)(2)(D) of the Act requires that we take into account the nature, circumstances, extent and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.⁸ As discussed below, we have considered Ramsey’s response in light of these statutory factors and have determined that no reduction of the proposed forfeiture is warranted.

5. Ramsey claimed, and Commission records reflect, that after receiving notice from the Dallas Office that the antenna structure was not registered, it complied with the requirements of Section 17.4(a) by registering its antenna structure.⁹ However, Ramsey was required to register its antenna structure in 1996, and did not begin its registration process until after the Dallas Office notified it that the structure was not registered. Further, the Commission expects that violations, which are observed during inspection and/or are the subject of an enforcement action, to be corrected,¹⁰ and does not believe that such corrective measures mitigate or warrant forfeiture cancellations or reductions for past violations.¹¹ Based on the record, we thus do not find that cancellation or reduction of the proposed forfeiture of \$3,000 is warranted.

IV. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act, and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,¹² Joe E. Ramsey and John Ramsey d.b.a. Ramsey and Ramsey **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of three thousand dollars (\$3,000) for its willful violation of Section 17.4(a) of the Rules.

7. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.¹³ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482.

⁵47 U.S.C. § 503(b).

⁶47 C.F.R. § 1.80.

⁷12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

⁸47 U.S.C. § 503(b)(2)(D).

⁹According to Commission records, Ramsey antenna structure (Antenna Structure No. 1238750, 33°52’34.0” North Latitude by 094°46’54.0” West Latitude in Idabel, Oklahoma) was registered on May 17, 2003, after the Dallas Office’s on-site inspection and release of the *NAL*.

¹⁰*See AT&T Wireless Services, Inc.*, 17 FCC Rcd 21866, 21875 ¶ 26 (finding that all Commission licensees and regulatees are “expected to promptly take corrective action when violations are brought to their attention,” and that such corrective action does not warrant reduction or cancellation of a forfeiture for past violations); *see also Seawest Yacht Brokers*, 9 FCC Rcd at 6099, 6099 ¶ 7 (1994); *TCI Cablevision of Maryland, Inc.*, 7 FCC Rcd 6013, 6014 ¶ 8 (1992); *Sonderling Broadcasting Corp.*, 69 FCC 2d 289, 291 (1978); *South Central Communications Corp.*, 18 FCC Rcd 700, 702-03 ¶ 9 (Enf. Bur. 2003).

¹¹*Id.*

¹²47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

¹³47 U.S.C. § 504(a).

Payment by overnight mail may be sent to Bank One/LB 73482, 525 West Monroe, 8th Floor Mailroom, Chicago, IL 60661. Payment by wire transfer may be made to ABA Number 071000013, receiving bank Bank One, and account number 1165259. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Group, 445 12th Street, S.W., Washington, D.C. 20554.¹⁴

8. **IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class and Certified Mail Return Receipt Requested to Joe E. Ramsey and John Ramsey d.b.a. Ramsey and Ramsey, Rt. 3, Box 116, Idabel, Oklahoma 74745.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

¹⁴See 47 C.F.R. § 1.1914.